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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/046,541	01/16/2002	Gavriel Meron	P-3228-US	1799
49443	7590	06/15/2007		
PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036			EXAMINER BAPTISTE, KWAME H	
			ART UNIT	PAPER NUMBER
			3737	
			MAIL DATE	DELIVERY MODE
			06/15/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/046,541

**Applicant(s)**

MERON ET AL.

**Examiner**

Kwame H. Baptiste

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2006.
- 2a) ☒ This action is **FINAL**.      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 51-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 51-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 07/06/2006, 08/26/2006.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claim 51-71 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51-71 are rejected under 35 U.S.C. 103(a) as being unpatentable over Alfano et al (US 6,240,312 B1)(Alfano'312) in view of Iddan et al. (US Patent No. 5604531)(iddan'531) and further in view of Lemelson (US 5,993,378)(lemelson'378).

With regards to claims 51, 52, 54-56, 60, 61, 63-66, 68, 69, and 71 Alfano'312 disclose a method and apparatus where a capsule device introduced in vivo to navigate and diagnosis using optical imaging. The optical imaging is achieved via optical window, which includes illumination source 20 with optical light sensor (video camera) 20.

However, Alfano'312 does not disclose that each window or optical window covering at least an illumination source and an imager.

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In the same field of endeavor, with regards to amended claims 51, 61, 63 and 68, Iddan'531 teaches an in vivo camera system (abstract), which both a in vivo micro camera (Fig.2 (24)) and a light source (Fig.2 (20)) transmit light and optical data though a single window (Fig. 2(22)), (Col. 3 Ln. 27-57).

At the time of the invention it would have been obvious to one of ordinary skill in the art to combine the disclosure of Alfano'312 and the teachings of Iddan'531 in order to provide a tubeless in vivo video camera system (Col.1 Ln. 34-54).

However, Alfano'312 in view of Iddan'531 not specifically disclose that the device includes two or more optical windows with each window having an illuminator and a detector, and each window facing in different directions.

In the same field of endeavor, it is known in the art as demonstrated by Lemelson'378 that an in-vivo device such as an optical catheter includes multiple optical capturing window and sensor array as shown in figures 11 and 12 (col. 11, lines 6-22). Although the array is directed at the same direction, Lemelson'378 also indicates that the sensor arrangement may be positioned to face opposite direction as shown in figures 13 and 15 (col. 11, line 56 - col. 12, line 23). These sensors as disclosed to be a pressure transducers, however, Lemelson'378 teaches that the device's Sensor head arrangement was modified from the optical imaging head, therefore, it would have been obvious to one having an ordinary skill in the art at the time the invention was made to apply the teachings of Lemelson'378's multiple sensor window to Alfano'312's method and device to achieve the claimed invention.

Claims 53: The shape of the lens is not specified by Alfano'312 explicitly, however, as figure 2 shows that the lens is elliptical shape, thus, the outer shape of the optical window is a dome shape.

Claims 57-59, 62, and 70: Alfano'312 disclose a control unit within the capsule where the illumination or transmission of light is controlled for the image sensor. Therefore, the multiple sensors as disclosed in Lemelson'378 precludes that the multiple sensors detect multiple images.

Claim 67: Alfano'312 et al disclose in figure 2 where the images obtained from the device is transmitted remotely via radio channel.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to combine the teachings of Alfano'312 in view of Iddan'531 and the teachings of Lemelson'378 in order to sense multiple locations within a body, Lemelson'378 (Col.1 Ln.34-48).

### ***Conclusion***


4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent No.4278077, 4812726, and US Pub No.2001/0035902.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwame H. Baptiste whose telephone number is 5712723076. The examiner can normally be reached on Monday - Friday: 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 5712724956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

KHB

  
ELENI MANTIS MERCADER  
SUPERVISORY PATENT EXAMINER